REMARKS

Claims 1, 9-12, 17-18, 22, 44-47, 71, 73-74, 76, 78, and 80-85, 138-142 are now pending in the application. Claims 86-137 have been cancelled. Claims 1, 44, and 139 are the independent claims.

Response to Objections Regarding Declaration

In the Office Action, the Examiner indicated that the declaration filed on 10/31/2005 under 37 C.F.R. 1.131 had been considered but was ineffective to overcome the Candelore reference because the evidence submitted was insufficient to establish a reduction to practice of the invention in this country or a NAFTA or WTO member country prior to the effective date of the Candelore reference. Applicant will submit a new 131 declaration in response to the Examiner's objections.

The Examiner indicated that Exhibit 5 was insufficient evidence of a reduction to practice because it provided contradictory date information with respect to the July 9, 1997 critical date that the Applicant is attempting to swear behind. The 131 declaration notes that the wrong document was submitted as Exhibit 5. The declaration states that, although the cover of the document (which was redacted) was dated before the critical date of July 9, 1997, there is inconsistent date information in original Exhibit 5. The declaration states that the wrong business plan was submitted in original Exhibit 5, and replacement Exhibit 5 is a business plan that was created before the critical date of July 9, 1997. As indicated in the declaration, replacement Exhibit 5 has been double-checked to ensure that the entire document was created before the critical date of July 9, 1997.

The Examiner also indicated that the code in Exhibit 6 seems to have been printed in error. Applicant submits that the code was not printed in error. The Examiner notes that he recalls reviewing the code in an interview, and that the numerous unreadable characters were

not a part of the code. Applicant believes that the code the Examiner reviewed in an interview was later-created code, which code was being used in an interview to establish diligence, rather than reduction to practice. This later-created code was not in the ERWIN format, and thus did not have the current unreadable characters which are associated with printing the now out-dated ERWIN data.

As stated in the declaration, while researching the creation of the program, an earlier version of code was found, which version is included in Exhibit 6. Per the declaration, this version of the code pre-dates the critical date of July 9, 1997, and is being used to establish reduction to practice before this critical date, rather than being used to establish diligence.

It should also be noted that the declaration explains that the code in Exhibit 6 was meant to be run on an ERWIN program. Per the declaration, because the ERWIN program is very old, the ERWIN program is very difficult to obtain. Per the declaration, the ERWIN program was a visual program with diagrams and tables, but because an ERWIN program was not used to print the data, the ERWIN code is printed with characters, and is thus difficult to understand. However, as noted in the declaration, the server elements of the business plan of replacement Exhibit 5 can be recognized in the ERWIN code. For example, Tab 31 of replacement Exhibit 5 discusses various tables that are in the server application, including an ad table (with fields such as id, name, time, size, prize id, etc.), a content table (with fields such as id, name, time, size, etc.), a user table (with fields such as id, full name, address, demographic data, preferences data, client cache size, etc.), and a prize table (with fields such as id, name, giveaway time, users eligible to win and entries, etc.). The data fields for these tables can be recognized in the ERWIN code set forth in Exhibit 6. For example, on pages 1-8 of Exhibit 6, ERWIN is stated numerous times, as well as parent/child terminology. This references the basic relational object format of the ERWIN code, where a parent/child relationship exists in the tables. For example, a parent table could be a basic table, whereas a child table could be the

ad table, the content table, the user table or the prize table. Then, on the last line of page 8 of Exhibit 6, a "blob" is referenced. A "blob" is an acronym for a Binary Large Object, and is a database field that holds a large amount of digitized information, including text, images, audio or video. In the ERWIN data of Exhibit 6, the blob is a data type indicating that that data following the word "blob" is not general format data, but rather is data specific to a particular user. The blob data for this particular program corresponds to the set of tables described on Tab 31 of replacement Exhibit 5. For example, on page 11 of Exhibit 6, the fields of the content table are set forth, which include the content name and the content id. The first several lines of page 12, as well as pages 29-72 list entries in the ad table, which include the ad id and the ad name. The last several lines of page 12, as well as pages 13-38 list entries of the user table, which include the user id, the user name, address, and demographic information (e.g., zip code, gender, income, etc). Multiple references are also list entries of the rewards table, which include the user id and the user name.

The Examiner also objected to the language of the previous 131 declaration, stating that, in particular, page 3, line 9 of the 131 declaration supports conception, and not a reduction to practice. In order to expedite allowance of the claims, the new 131 declaration states that Exhibits 1-6 support a reduction to practice rather than conception.

Response to Claim Rejections

Claims 1, 9-12, 17-18, 22, 44-47, 71, 73-74, 76, 78, 80-90, 92-103 and 105-137 were rejected under 35 U.S.C. 103(a) as being unpatentable over Candelore in view of Alexander. Claims 91, 104 and 139-142 were rejected under 35 U.S.C. 103(a) as being unpatentable over Candelore in view of Alexander and Broadwin. As explained above, Applicant submits that the declaration is effective to overcome the Candelore reference. If the declaration successfully overcomes Candelore, it is not necessary to overcome Alexander and/or Broadwin,
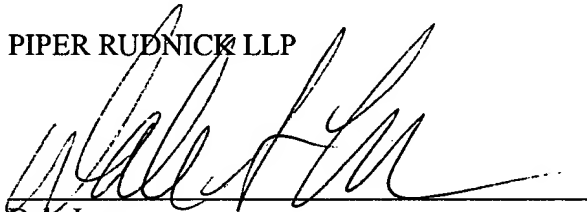
because without <u>Candelore</u>, <u>Alexander</u> and <u>Broadwin</u> alone or together neither anticipate nor render obvious the pending claims. In fact, in the Office Action, by including <u>Candelore</u> as a reference for all of the claims, the Examiner implicitly agreed that <u>Candelore</u> is necessary to anticipate or render obvious all of the claims.

Concluding Remarks

Applicant believes the objections and rejections in the Office Action have been addressed and that the application is now in condition for allowance. The Examiner is invited to contact the undersigned by telephone should the Examiner believe that personal communication will expedite prosecution of this application.

Respectfully submitted,

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